

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ULC OIL & GAS FIELD SERVICES,)	
)	
Plaintiff,)	Civil Action No. 2:14-cv-72
)	
v.)	Judge Nora Barry Fischer
)	Magistrate Judge Lisa Pupo Lenihan
EXCO RESOURCES (PA), LLC,)	
)	ECF Nos. 27, 36
Defendant.)	
)	
)	

MEMORANDUM ORDER

The Complaint in the above captioned case was filed in the Court of Common Pleas of Lawrence County, Pennsylvania on or about October 15, 2013. Subsequently, this action was removed to this Court by Defendant on January 17, 2014, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Rules of Court 72.C and 72.D.

The Magistrate Judge's Report and Recommendation (ECF No. 36), filed on October 22, 2014, recommended that the Motion to Dismiss Counts II, III, & IV of Plaintiff's Amended Complaint filed by Defendant EXCO Resources (PA), LLC (ECF No. 27) be granted in part and denied in part. The Report and Recommendation recommended that the motion to dismiss be granted as to Plaintiff's unjust enrichment/quantum meruit claim (Count II) and claim for declaratory judgment (Count

IV), and those claims be dismissed with prejudice. The Report and Recommendation further recommended that the motion to dismiss be denied as to Plaintiff's claim under the Pennsylvania Contractor & Subcontractor Payment Act (Count III).

Service was made on all counsel of record. The parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.D.2 of the Local Rules of Court, that they had fourteen (14) days to file any objections. Plaintiff filed objections to the Report and Recommendation (ECF No. 37) on November 4, 2014, and Defendant filed its Response to Plaintiff's Objections (ECF No. 38) on November 18, 2014.

After review of the pleadings and documents in the case, together with the Report and Recommendation, the objections thereto, and Defendant's response, the following Order is entered:

AND NOW, this 19th day of November, 2014,

IT IS HEREBY ORDERED that the Motion to Dismiss Counts II, III & IV of Plaintiff's Amended Complaint filed by Defendant EXCO Resources (PA), LLC (ECF No. 27) is **GRANTED IN PART AND DENIED IN PART**. Said motion is **GRANTED** as to Plaintiff's claims for unjust enrichment/quantum meruit (Count II) and declaratory judgment (Count IV), and those claims are **dismissed with prejudice**. Said motion is **DENIED** as to Plaintiff's claim under the Pennsylvania Contractor & Subcontractor Payment Act (Count III).

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 36) of Magistrate Judge Lenihan, dated October 22, 2014, is adopted as the opinion of the Court.

BY THE COURT:

s/Nora Barry Fischer
NORA BARRY FISCHER
United States District Judge

cc: All Counsel of Record
Via Electronic Mail